

REGULAR AGENDA MEETING
Mayor and Council
Borough of Harrington Park, New Jersey
May 10, 2021

PUBLIC NOTICE
BOROUGH OF HARRINGTON PARK
MEETING MOVED TO ELECTRONIC PLATFORM
“ZOOM.US”

Pursuant to Governor Murphy’s Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the meeting of the Borough of Harrington Park scheduled for **May 10, 2021 at 7:00 p.m.** will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears below.

Members of the public may submit written comments in advance of a meeting, which will be read during the relevant public portion of the meeting. Written comments shall contain the person’s name and address and may be submitted via email to the Borough Clerk (clerk@harringtonparknj.gov) or by mail addressed to: Clerk, Borough Hall, 85 Harriot Ave., Harrington Park, NJ . Emailed comments must be received at least 48 hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

If any meeting includes a public hearing, all material that will be considered by the Borough Council at the public hearing shall be posted on or linked to the homepage of the Borough’s website in a conspicuous location or as otherwise required by law. Written comments, as set forth above, will be accepted for such public hearings. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio. Written public comments will not be considered where sworn testimony is required.

Date of Meeting: May 10, 2021

Time: 7:00 PM

Topic: Mayor and Council Meeting May 10, 2021

Time: May 10, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99669871540?pwd=QmVCY1dEdmVudU50MnphT2F5M3JZdz09>

Meeting ID: 996 6987 1540

Passcode: 822540

One tap mobile

+19292056099,,99669871540#,,,822540# US (New York)

Dial by your location

+1 929 205 6099 US (New York)

Meeting ID: 996 6987 1540

Passcode: 822540

Find your local number: <https://zoom.us/j/adJrBuTsLq>

Formal action may be taken.

A copy of the agenda and all meeting materials is available at the Borough of Harrington Park website: www.harringtonparknj.gov.

A copy of the agenda and meeting materials may also be requested by calling the Borough Clerk or submitting an e-mail request. Members of the public may contact the Borough Clerk to obtain copies of the meeting materials by calling the Borough Clerk at (201) 768-1700 during the hours of 9:00 a.m. to 4:00 p.m. during normal business days, or by e-mail: Ann Bistriz clerk@harringtonparknj.gov

All documents for matters on the agenda are electronically on file at the following website: www.harringtonparknj.gov.

Please be aware that the audio connections for all members of the public will be muted for the duration of the meeting, except for those periods when public comments are received. Members of the public may use the “raise your hand” feature on Zoom, or may e-mail the Borough Clerk during the meeting, to request to participate in public comment portions. Any member of the public will be unmuted for the purpose of making public comment, or may submit a comment by e-mail to be read by the Borough Clerk. The Borough Clerk’s e-mail is: clerk@harringtonparknj.gov. The Borough may impose time limitations on the length of individual speakers.

Members of the public are advised that the video and audio of the meeting will be recorded and will be a public record subject to disclosure pursuant to the Open Public Meetings Act. The Borough reserves the right to post the recording of the meeting to its website.

Formal Action may or may not be taken.

Any other business that may come before the Council

(PAH) Call Meeting to Order

Time: 7:01

Mayor’s Announcement:

In compliance with Chapter 231, Public Law 1975, adequate notice of the meeting was made. It is included in the Annual Meetings posted on the bulletin board in the Municipal Center. Copies have been emailed to the BERGEN RECORD and SUBURBANITE. A copy has been filed with the Borough Clerk, and copies have been provided to individuals requesting the same.

(ALB) Roll Call:

	PRESENT	ABSENT
NAPOLITANO(AN)	X	
EVANELLA (GE)	X	
WALKER (DW)	X	
BROCKMAN (JB)	X	
PEDERSEN (JP)	x	
CHUNG (JC)	x	

Also present:

**Ms. Ann H. Bistriz, CMC, RMC, CMR Admin.
Mr. Kunjesh Trivedi, CFO, CTC (KJT)
Mr. John R. Dineen, Borough Attorney (JRD)
Mr. Gary Higgins, Municipal Auditor (GH)**

(PAH) Suspend the Regular Order of Business

**Motion GE
Second JP
Vote AIF**

**(JP) Budget 2021 Adoption-Addendum D
Ordinance #753 2021 COLA by Title**

CALENDAR YEAR 2021

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

**Motion JP
Second JC**

(PAH) Meeting Open to Discussion Ordinance #753 Only

**Motion GE
Second JP
Vote AIF
No Public for Discussion**

(PAH) Meeting Closed to Discussion Ordinance #753

**Motion GE
Second JP
Vote AIF**

**Discussion None
Roll Call Vote AIF**

(JP) 2021 Budget Adoption

**Resolution 2021-81: Waiver of Reading the 2021 Budget in Full-Addendum A
Motion JP
Second JC
Discussion None
Roll Call Vote AIF**

Garry Higgins was present to provide an overview of the 2021 Budget. The Borough was able to Self-Exam the Budget, rather than DLG. The 2021 Budget is in compliance with all current regulations.

The budget is below the tax levy CAP and the Appropriations CAP. Had it not been for the \$26M ratable our tax levy would have been higher. For 2021 \$1.6/\$100 assessed property value or a valuation of approximately \$88 per average home.

Borough surplus came in within \$1000 of last year, and the budget is in good shape and ready to adopt.

JC inquired if there are any updates regarding funding for COVID 19 related items through the American rescue Plan. GH noted that \$360 Billion will be going to New Jersey but at this point there is no breakdown of distribution, application not accounting measure. If necessary when the time comes, a budget amendment can be made.

PAH thanked the Finance Committee, as well as, all of Council for their support for this year's budget.

Resolution 2021-82: Self Examination of Budget-Addendum B

Motion JP

Second JB

Discussion None

Roll Call Vote AIF

Resolution 2021-83 Adoption of the 2021 Budget-Addendum C

Motion JP

Second JC

(PAH) Meeting Open to the Public for Budget 2021 Only

Motion GE

Second JP

Vote AIF

(PAH) Meeting Closed to the Public for Budget 2021

Motion GE

Second JP

Vote AIF

Vote on Budget

Discussion

Roll Call Vote AIF

(JC) Open Space Project-George Street Park Tennis Courts

(PAH) Open Space Public Hearing for George Street Park Improvements (Tennis Courts)

Motion to Open to the Public for Open Space Project Only GE

Second JP

Vote AIF

2 members of the Public were present to hear the explanation of the Open Space project (Finer and Greer)

ALB explained that the project being submitted for a grant encompasses replacing the existing tennis courts at George Street Park with a new tennis system that address the environmental concern of the area, as well as the structure of the courts.

JC added that the Recreation Commission has done their due diligence to research all the possibilities for this project, recommending the best one for the Borough. These courts will address the water issues in the area, safety and maintenance. The project, if granted, will really bring something special to the town. To help oversee the courts, there are plans to restart the Tennis Association.

The project is estimated to cost in the \$600K range which includes a 20% contingency. Half would be paid through the Borough's Open Space Fund and the other half through the County Open Space Program. The way the time line plays out, the project most likely will commence late 2022 or early 2023.

In addition, projects have been submitted for ADA compliant bathrooms at Highland Field with repair of existing roofing (to match pavilion)

The 2 residents were pleased to hear of this proposal for George Street Park and look forward to the future project.

Ms. Finer expressed concerns about the pot holes at the entrance to Highland Field. Due to the parameters of Open Space, there is no ability to pave the entire parking lot. However, since the aprons of the exit and entrance were paved at one point, they can be replaced. JC will reach out to Neglia for more information. In the interim, ALB will reach out to Mr. Nappi to help fix the area on a temporary basis.

(PAH) Close the Meeting to the Public

Motion GE

Second JP

Vote AIF

(PAH) Return to the Regular Order of Business

Motion GE

Second JP

Vote AIF

(PAH) Consent Agenda-Resolutions-

All matters listed under this section are considered to be routine by the Borough Council and will be enacted by one motion as listed below. There will not be separate discussion of these items. Should discussion be desired, that item will be removed from the Consent Agenda and will be considered separately under New or Old Business on the Agenda.

Consent Approval Items: E-G

(E) 2021-84 Form 1B Municipal Alliance

(F) 2021-85 Year 2021 Riverside Cooperative Neglia Engineering

(G) 2021-86 NJDOT La Roche Avenue Neglia Engineering
Motion JP
Second DW
Discussion none
Vote AIF

Individual Committee Reports
(PAH) Mayor Hoelscher

(AN) Planning Bd., Bd. of Adjustment, Construction, Fire, Ambulance

The Ambulance Corps is in discussion with Allegro addressing ambulance needs as residents move into the complex. Currently 4 residents. The facility will have daytime service, but not in the evening. Facilities such as Allegro call for emergency services for a variety of reason, most common-falls. Putting together a plan will take some time and is a necessary work in progress. This will need attention by Council in the future.

(GE) Police, Municipal Court, Personnel

April report:

446 calls, 170 traffic details

11 body cameras are in house with the CFO until paperwork is completed

7 sick days by 5 officers

Lt. Murphy attended 3 days of Resiliency Training (psychological approach to fellow officers) due to the increase in suicide rate of police officers nationwide.

OT-7100

OE 414,900 YTD

(DW) DPW, Building & Grounds, Sanitation/Recycling

(JB) Board of Health, Environmental Commission

(JP) Finance, Admin. & Exec., Grants

Bond Anticipation Notes rate will be .383% on \$3.83M (\$13,127 annually)

(JC) Recreation Commission, Liaison to Board of Education, Public Information

Thanked the Finance Committee for their hard work

(JRD) Borough Attorney

(ALB) Borough Clerk/Administrator

Set up Special Bond Meeting for May 25, 2021

Marijuana ordinance regarding the sale of Cannabis (June 14, 2021 Meeting) Has been forwarded to the Board of Health for comments as well as the Planning Board.

Memorial Day Parade-May 31 at the school. Commander Simpson is working with Dr. Fried this year. Vehicles are available for those that want to ride the route.

Website Use Report-Clerks page is the most popular, followed by Building and Environmental Commission. Website received about 2000 views per week on average.

(KJT) CFO/TAX Collector

Old Business:

New Business:

(PAH) Resident request for fence within the line of easement 21 Eastbrook Road-ALB will reach out to Steve Nappi to see if there is an issue. JRD will provide appropriate correspondence.

JRD explained that it not unusual for Council to grant consents such as this.
Motion to allow fencing on an easement location by AN
Second JP
AIF

Ordinances:

**(JP) Introduction of Bond Ordinance #755 by title Addendum H
BOND ORDINANCE PROVIDING FOR VARIOUS 2021
CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF
HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE
OF NEW JERSEY; APPROPRIATING \$1,269,321 THEREFOR
(INCLUDING A NEW JERSEY DEPARTMENT OF
TRANSPORTATION GRANT IN THE AMOUNT OF \$200,000)
AND AUTHORIZING THE ISSUANCE OF \$1,018,400 BONDS
OR NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF**

**Motion JP
Second JC
Discussion none
Vote AIF**

**Motion to Open to the General Public GE
Second JP
Vote AIF**

**Motion to Close to the General Public GE
Second JP
Vote AIF**

(PAH) Motion for Closed Session AN Time: 7:46pm

Second GE

Vote AIF

RESOLUTION

WHEREAS, N.J.S.A. 10:4-12 permits a public body to conduct business in Closed Session during a public meeting; and

WHEREAS, the Mayor and Council deem it necessary to discuss certain matters in Closed Session as permitted by the aforesaid statute.

(AN) Building Department Position (General)

BE IT FURTHER RESOLVED that discussion of the aforementioned subjects may be made public at such time as disclosure of the discussion will not detrimentally affect the interest and Borough as to said discussion.

Return to Open Session 8:03pm

JP noted that he had been contacted by Mr. Simpson noting his disappointment of not receiving approval of a new inspector's vehicle.

AN noted he had not received a response to his request to lease aa vehicle for this position.

KJT explained that these types of requests need to go through his office and placed in the capital budget. Leasing a municipal vehicle is different than if an individual leases a car.

Adjournment-Time: 8:10pm

Motion: GE

Second: AN

AIF

Addendum A

Resolution 2021-81

Waiver of Reading in Full of the 2021 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) be posted in a public place where public notices are customarily posted and at the free public library, and
- b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Harrington Park has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, the reading in full of the 2021 Budget be dispensed with.

Addendum B
Resolution 2021-82
Self Examination of Budget Resolution

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Harrington Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Harrington Park that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**Addendum C
Resolution
Adoption of Budget
Resolution 2021-83**

Be It Resolved by the Governing Body of the Borough of Harrington Park, County of Bergen that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 5,502,348 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ 92,883 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) 343,132 (Item 5 below) Minimum Library Tax

**Addendum D
Ordinance #753
CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Harrington Park in the County of Bergen finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 2.5% increase in the budget for said year, amounting to \$139,848 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Harrington Park, in the County of Bergen a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Harrington Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 2.5%, amounting to \$139,848, and that the CY 2021 municipal budget for the Borough of Harrington Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Addendum E
Resolution 2021-84
FORM 1B**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Harrington Park, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Harrington Park, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Harrington Park Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$ 3836.33
Cash Match	\$ 959.08
In-Kind	\$ 2877.25
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
(Name), Mayor/Head of Governing Body

CERTIFICATION

I, (name), Municipal Clerk of the Borough of Harrington Park, County of Bergen, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough Council on this (day) day of (month), (year) .

(Name), Municipal Clerk

ADDENDUM F

Resolution 2021-85

AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, Borough of Harrington Park has chosen to enter into a contract with the Year 2021 Riverside COOP Paving Program to construct roadway improvements within the Borough; and

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for this project; and

WHEREAS, the Agreement for Professional Services includes a cost to be invoiced on a time basis (schedule in contract) not to exceed \$8,985.00 representing Limited Engineering and Construction Administration Services and on a material basis (schedule in contract) not to exceed \$350.00 representing Reimbursable Expenses; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the Year 2021 Riverside COOP Paving Program project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

Addendum G
Resolution 2021-86

AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, Borough of Harrington Park has chosen to enter into a grant agreement in the amount of \$200,000.00 with the New Jersey Department of Transportation to construct roadway improvements on LaRoche Avenue within the Borough; and

WHEREAS, Neglia Engineering Associates has provided the Borough with an Agreement for Professional Services for this project; and

WHEREAS, the Agreement for Professional Services includes a lump sum cost of \$14,200.00 representing Surveying and Engineering Costs, on a time basis (schedule in contract) not to exceed \$13,800.00 representing Construction Administration Services, and on a material basis (schedule in contract) not to exceed \$1,000.00 representing Reimbursable Expenses; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the LaRoche Avenue Roadway Improvements project for Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, New Jersey.

Certified copy of a Resolution passed at the XXX, XX, 2020 Mayor and Council Agenda meeting – Roll Call Vote – All in Favor X-X.

Addendum H

BOROUGH OF HARRINGTON PARK
BOND ORDINANCE # 755

**BOND ORDINANCE PROVIDING FOR VARIOUS 2021
CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF
HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE
OF NEW JERSEY; APPROPRIATING \$1,269,321 THEREFOR
(INCLUDING A NEW JERSEY DEPARTMENT OF
TRANSPORTATION GRANT IN THE AMOUNT OF \$200,000)
AND AUTHORIZING THE ISSUANCE OF \$1,018,400 BONDS
OR NOTES OF THE BOROUGH TO FINANCE PART OF THE
COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HARRINGTON PARK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Harrington Park, in the County of Bergen, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,269,321, said sum being inclusive of (i) a grant expected to be received from the New Jersey Department of Transportation in the amount of \$200,000 (the "Grant"), and (ii) a down payment in the amount of \$50,921 now available for a portion of said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), and now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Pursuant to N.J.S.A. 40A:2-11(c) of the Local Bond Law, no down payment is required for a portion of the improvements or purposes set forth in Section 3 hereof, as a \$200,000 portion of the costs of such improvements or purposes is expected to be funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,269,321 appropriation not provided for by the Grant or said down payment referred to in Section 1 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,018,400 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,018,400 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued is the 2021 Capital Improvement Program, which includes, but is not limited to, (i) acquisition and installation, as applicable, of communications and other equipment for use by the Fire Department, including, but not limited to, pagers, thermal imaging cameras, an in-vehicle Knox Box System and personal protective equipment ("PPE"), including, but not limited to, turnout coats, bunker pants, boots, helmets, gloves and uniforms; (ii) acquisition of a new vehicle for the Fire Chief; (iii) acquisition of a Case backhoe, a Vermeer wood chipper, a Ford F-350 truck and a dump truck with salt spreader for use by the Department of Public Works ("DPW"); (iv) improvements and repairs to the roof of the DPW building; (v) acquisition and installation, as applicable, of cameras, street signs and other miscellaneous signs for use by the Police Department; (vi) various improvements and repairs to the Police Department building, including, but not limited to, improvements, repairs and upgrades to the heating and air conditioning system; (vii) various improvements and repairs to the Borough's Municipal Building, including, but not limited to, improvements and upgrades to the information technology department; (viii) acquisition and installation of a surveillance camera security system for use at the Borough's Municipal Building and surrounding grounds; (ix) improvements, repairs and upgrades to various roadways within the Borough, all as part of the Borough's 2021 Riverside Cooperative Road Improvement Project, including, but not

limited to, Phase 2 of the construction of LaRoche Avenue (a \$200,000 portion of such improvement being funded by the Grant); and (x) improvements, repairs and upgrades to the Library building sidewalks to provide ADA accessibility to comply with the Americans with Disabilities Act. Such improvements or purposes shall also include, as applicable, all engineering and design work, surveying, construction management services, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications therefor on file in the office of the Borough Clerk and available for public inspection and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,018,400.

(c) The estimated cost of said improvements or purposes is \$1,269,321, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore being the amount of \$250,921, which amount is comprised of the down payment available for said improvements or purposes in the amount of \$50,921 and the Grant in the amount of \$200,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Bergen make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby which is in addition to the Grant and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Bergen. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Bergen shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or as otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond

ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 9.05 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,018,400 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration

of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures with bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,018,400. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: May 10, 2021

ANN H. BISTRITZ,
Borough Clerk

ADOPTED ON SECOND READING

DATED: May 25, 2021

ANN H. BISTRITZ,

Borough Clerk

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021

PAUL A. HOELSCHER,
Mayor